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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

CASE NO. 5:20-cv-05799-LHK

**PLAINTIFFS' RESPONSE TO ORDER
 FOR RESPONSE TO EMAILS (DKT.
 255)**

Date: TBD
 Time: TBD
 Place: Courtroom 8
 Judge: Hon. Lucy H. Koh

1 Plaintiffs submit this Response to the Court's Order for Response to Emails (Dkt. 255).
 2 For the reasons set forth below, Plaintiffs believe that the emails and evidence the Court has
 3 received continue to show that Defendants are circumventing the Court's PI Order and are trying
 4 to obtain percent complete levels to say they have completed enumeration without regard for the
 5 accuracy of the enumeration. These Census employees' submissions again raise the question of
 6 what it means when the Bureau asserts that a count is 99% complete. It appears that the employees
 7 discussing enumeration would not agree that the count is 99% complete and accurate in their areas.

8 **A. Mr. Hautamaki (Dkt. 248)**

9 Mr. Hautamaki reports that operations in two counties in Maryland will be "wrapping up"
 10 today, despite the Court's PI Order staying the September 30 deadline imposed by the Replan. As
 11 of last night, according to the Bureau's website, the Baltimore ACO is at 91.5% NRFU
 12 completion, while the Hanover ACO, which Prince George's county appears under, is at 96.1%
 13 NRFU completion. Maryland overall is at 99.0% completion according to the Bureau's numbers
 14 last night. Thus, Mr. Hautamaki's account shows that Defendants are claiming completion by
 15 hitting 99.0%, despite what must be thousands of housing units being uncouned. The
 16 censushardtcountmaps2020.us website shows that Baltimore has many tracts at the sub-40%
 17 response level, as of last night. This artificial deadline, supported by no reasoned decisionmaking,
 18 is leaving many in Maryland uncouned.

19 **B. Anonymous (Dkt. 254)**

20 This Anonymous emailer is in the San Francisco Field Office. Similar to Mr. Hautamaki's
 21 situation, as of last night, according to the Bureau's website, the San Francisco ACO is at 97.5%
 22 NRFU completion, while California overall is at 99.2%. Even in San Francisco, according to the
 23 censushardtcountmaps2020.us website, there are tracts at sub-50% level.

24 Anonymous also reiterates what the Court is aware of from Mr. Fontenot. In Mr.
 25 Fontenot's words, "It is difficult to bring back field staff once we have terminated their
 26 employment." Dkt. 81-1, Fontenot Decl. ¶ 98. Anonymous highlights part of Defendants' plan:
 27 ignore the Court's PI Order under the guise of a "contingency," but reach a point where further
 28 enumeration cannot happen. Defendants' will point to 99% completion, without providing any

1 explanation as to the decreased accuracy of the count due to their continual actions to ignore the
 2 Court's orders, and how the country will be affected.

3 **C. Mr. Costa (Dkt. 252)**

4 Mr. Costa notes that there much work to do in the Las Vegas area and Nevada generally,
 5 "[e]specially in the minority population." Instead of methodically getting complete and accurate
 6 counts, enumerators "are being pressure[d] by the Supervisors to close cases quickly, if not at all
 7 accurately." Mr. Costa's account again shows that Defendants prioritizing completion rate, while
 8 sacrificing accuracy and completeness, despite no reasoned decisionmaking as to why they would
 9 do that.

10 **D. Anonymous (Dkt. 249)**

11 The Anonymous emailer states that in the last 4 weeks, "an estimated nearly 2 million
 12 households" have self-responded to the Census. As Defendants announced on September 28,
 13 2020, all counting operations, NRFU and self-response, are targeted to conclude on October 5,
 14 2020. As Anonymous notes, allowing counting to continue furthers "the interest of a full and
 15 accurate count," something that Defendants should be striving to fulfill, yet seem determined not
 16 to let happen.

17 **E. Mr. Boka (Dkt. 250)**

18 Aside from working for the Bureau, it is unclear from Mr. Boka's account what his role has
 19 been. Much of Mr. Boka's statement does not seem directly related to Census operations.

20
 21 Dated: September 30, 2020

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21 **ATTESTATION**

22 I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this
23 document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred
24 in this filing.
25

26 Dated: September 30, 2020

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